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4   Honorable Judge Benjamin H. Settle

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6   **UNITED STATES DISTRICT COURT**
                           WESTERN DISTRICT OF WASHINGTON
7   **AT TACOMA**

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     CLYDE RAY SPENCER, MATTHEW RAY   NO. C11-5424-BHS
9   SPENCER, and KATHRYN E. TETZ,

10   Plaintiffs,   [PROPOSED] ORDER
                                                   GRANTING JAMES PETERS'
11   v.   MOTION FOR SUMMARY
                                                   JUDGMENT
12   FORMER DEPUTY PROSECUTING
     ATTORNEY FOR CLARK COUNTY
13   JAMES M. PETERS, DETECTIVE
     SHARON KRAUSE, SERGEANT
14   MICHAEL DAVIDSON, CLARK COUNTY
     PROSECUTOR'S OFFICE, CLARK
15   COUNTY SHERIFF'S OFFICE, THE   NOTED FOR: JUNE 22, 2012
     COUNTY OF CLARK, SHIRLEY
16   SPENCER, and JOHN DOES ONE
     THROUGH TEN,
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                             Defendants.
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             THIS MATTER coming on duly and regulation for hearing on June 22, 2012, upon the
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     motion of defendant James Peters for an order on summary judgment. Defendant appearing by
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     and through its attorneys Robert M. McKenna, Attorney General, and Patricia C. Fetterly,
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     Assistant Attorney General, and plaintiffs appearing by and through its attorneys Daniel Davies,
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     Kathleen Zellner, and Douglas Johnson; the court having reviewed the files and records herein
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     including the following:
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             1.   Declaration of James M. Peters with exhibits 1-5;
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     ORDER GRANTING PETERS'   1   ATTORNEY GENERAL OF WASHINGTON
     SUMMARY JUDGMENT   Torts Division
     NO. C11-5424BHS   7141 Cleanwater Drive SW
                                                              P.O. Box 40126
                                                         Olympia, WA 98504-0126
                                                             (360) 586-6300

2.   Declaration of Patricia C. Fetterly with exhibits A-G;

3.   Declaration of Jeffrey Freimund;

4.   Declaration of Sharon Krause;

5.   Declaration of Shirley Spencer;

6.   Declaration of Matthew Hansen.

and the court having being fully advised it is, now, therefore, Ordered Adjudged and Decreed, that defendant James Peters' motion for summary judgment is granted and the claims contained in plaintiffs' complaint against defendant James Peters are dismissed with prejudice.

Done in open court this _____ day of May 2012.

_____
JUDGE

Presented by:

ROBERT M. MCKENNA
Attorney General

_____
PATRICIA C. FETTERLY, WSBA #8425
Assistant Attorney General
Attorneys for Defendant State

ORDER GRANTING PETERS'
SUMMARY JUDGMENT
NO. C11-5424BHS

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